
LEA Frequently Asked Questions (FAQs)

1. **Question:** Why were there multiple dates connected to the child count process?

Answer: The deadline for submission of the child count report to the OSSE this year was extended to January 8, 2010. The date the data is collected annually is December 1.

Although data are collected on December 1, LEAs are required to complete a model certification form which verifies that the data has been reviewed and validated for accuracy prior to submitting to the OSSE. The certification forms are consistent with the laws and regulations for child count.

OSSE utilizes the same method to verify data that the Office of Special Education Programs uses in its monitoring of the OSSE. OSSE cross checks the information received to determine discrepancies and to identify duplications. All questions related to the child count process should be directed to Mr. William Knudsen, Deputy Assistant Superintendent, Monitoring and Compliance, at: William.knudsen@dc.gov.

2. **Question:** What happens if an LEA receives a student who was enrolled in another school/LEA? What are the obligations regarding retrieval of student records, and how does an LEA retrieve records of a student who has newly enrolled in the LEA?

Answer: IDEA addresses LEA requirements related to obtaining records 300.323(g) and records transmittal [614(d)(2)(C)(ii)]. The new LEA or District charter school is required to take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the sending school. The previous LEA or District charter school must take reasonable steps to promptly respond to the request from the new LEA. It is essential for both the new and previous LEA or District charter school to document the steps taken to ensure compliance. OSSE strongly recommends that the receiving LEA make the record request within five school days. Please keep in mind that timely transmittal of records is a right of parents and children addressed in IDEA.

The LEA must make an official request (in writing) to the Head of the LEA or District charter school and/or the Special Education Director of the LEA or District charter school in which the child was previously located. If a response has not been received in a reasonable time, the LEA should contact the OSSE to request assistance.

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3. **Question:** What are the guidelines for providing transportation at the preschool level?

Answer: Transportation guidance is available in OSSE's recently released Related Services Policy, which can be found at the following link: http://osse.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Related_Services_Policy_FINAL.pdf. Not every child is eligible for transportation as a related service. Determining a child's eligibility for transportation occurs during the IEP team meeting. The distance to/from school is not factored into the consideration when adding this service to the IEP.

4. **Question:** How do you count a child whose placement has changed (e.g. attending a non-public)?

Answer: The LEA and District charter schools will continue to count the student as a part of their respective enrollments. OSSE has issued new regulations effective December 4, 2009, confirming the responsibility of all LEAs, including independent charter LEAs and DCPS for D.C. public schools and District charter schools, to continue to ensure IDEA compliance for all children placed by the charter in a nonpublic setting. These regulations are located at: http://seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Title_5_Ch_30_Section_3019_Charter_Schools_FINAL.pdf,

5. **Question:** How can LEA staff register for the SEDS Train the Trainer process?

Answer: LEA staff can register for SEDS training by utilizing the following link: <https://octo.quickbase.com/db/bexfgrx94>

6. **Question:** How do charter LEAs gain access to the Blackman Jones Database?

Answer: Clarence J. Parks, Education Program Specialist for HOD/SA Implementation, is responsible for ensuring that Independent Charter LEAs have access to the database and will be conducting outreach to all LEAs accordingly. Mr. Parks is also available to provide appropriate training and technical assistance and can be reached at clarence.parks@dc.gov or (202) 741-5098.

7. **Question:** How is parent involvement measured? How is parent participation being facilitated?

Answer: Parent Involvement is the focus of indicator 8 in the State Performance Plan (SPP) and Annual Performance Report (APR). States are asked to report on the percentage of parents with a child receiving special education services

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who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. An outside consultant develops and analyzes a parent questionnaire that is sent out annually. The return rate and parent responses determine the progress/slippage the District is making toward meeting the measurable and rigorous target established in the SPP.

8. **Question:** We would like additional guidance on students who graduate from high school without diplomas. Do these children receive a Certificate of IEP or a Certificate of Attainment, and what are the guidelines for producing it?

Answer: Information regarding the Certificate of Individualized Educational Program (IEP) completion can be found in the final rulemaking May 11, 2007 to amend Chapter 22 of the Board Rules, Title 5 of the D.C. Municipal Regulations, at: <http://www.dcregs.org/Gateway/ChapterHome.aspx?ChapterNumber=5-E22>

9. **Question:** Why do we have the Blackman Jones database?

Answer: Per the Individuals with Disabilities Education Act (IDEA) and the August 24, 2006 Consent Decree in *Blackman-Jones v. The District of Columbia* (Civ. Action Nos 97-1629 and 97-2402), LEAs are required to ensure timely implementation of all Hearing Officer Determinations (HODs) and Settlement Agreements (SAs) for children enrolled in the LEA. Newly promulgated DC Municipal Regulations (DCMR)- Title 5, Chapter 30, § 3019.3, published as a final rule on December 4, 2009, reinforced the obligations of all LEAs to comply with the IDEA and its implementing regulations (34 C.F.R. Part 300) including, without limitation, the following:

(h) An LEA Charter is responsible for responding to any due process complaint made in respect of a child enrolled in the LEA Charter, including any child who attends a nonpublic school.

Title 5, Chapter 30, § 3019.3 can be found at:

http://seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/Title_5_Ch_30_Section_3019_Charter_Schools_FINAL.pdf

DCMR § 3019.10 (*Hearing Officer Determinations and Settlement Agreements*) also requires that a final Hearing Officer Determination (HOD) or Settlement Agreement (SA) resulting from the filing of a due process complaint and an SA resulting from mediation shall be binding upon the parties to the due process complaint and/or SA.

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Additionally, under the terms of the December 2007 Blackman Jones Consent Decree Alternative Dispute Resolution (ADR) agreement, OSSE is responsible for ensuring Charter LEA compliance with the terms of the consent decree, including tracking and reporting on the timeliness of implementation of HODs and Settlement Agreements.

- 10. Question:** If there is an HOD/SA in place from another LEA, what are the obligations/commitments of the receiving LEA?

Answer: If a student comes to an LEA with an HOD/SA from another LEA, the LEA is required to cooperate with the LEA bound by the HOD/SA in the immediate implementation of the terms of the HOD/SA. It is important for the receiving LEA to immediately check the Blackman Jones database when a child enrolls in order to assist the LEA bound by the HOD/SA in the timely implementation of any HOD or SAs.

- 11. Question:** How would a LEA know if a state complaint has been filed against it?

Answer: If OSSE receives a State Complaint involving an LEA and determines that the complaint meets the requirements of the IDEA applicable to state complaints, then the OSSE State Complaint Office will notify the LEA that a complaint has been filed and give the LEA the opportunity to respond to the complaint. [34 CFR 300.152(a)] Under the IDEA regulations, the complainant is also required to forward a copy of the complaint to the LEA at the same time that the party files a complaint with the OSSE. [34 CFR 300.153(d)]

- 12. Question:** Does the Special Education Coordinator have to be certified?

Answer: The function of the SEC can be filled by various qualified professionals as designated by the LEA. However, some LEAs create and advertise a position description specific to the role. OSSE does not define requirements or have a specific certification for this position.

- 13. Question:** Does the Special Education teacher have to be certified if the teacher is doing pullouts? If a special education coordinator or a special education teacher is doing pullouts, would having just a special education background be sufficient (rather than a special education certification)?

Answer: Pursuant to federal (34 CFR § 300.18(b)(1)) and state requirements (5 DCMR §1601.1) for highly qualified Special Education teachers, resource teachers in DC Public Schools (DCPS) that ONLY push-in/pull-out and/or provide collaborative/consultative services must have a valid DC license in Special Education; and charter LEA teachers must have a Bachelor's degree. For more

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information, please contact: Stacy Hardman, Credentialing Assistant at stacy.hardman@dc.gov or 202-741-5881. The link to Educator Licensure is: <http://osse.dc.gov/seo/cwp/view,a,1224,q,562481.asp>

- 14. Question:** What are examples of multiple methods of engaging parents in IEP/Eligibility meetings? What is evidence of this?

Answer: Examples of multiple methods of engaging parents in IEP/Eligibility meetings would be documentation of telephone contacts, copies of written correspondence mailed, and documentation of attempts to send correspondence by certified mail.

- 15. Question:** Is Easy IEP (SEDS) mandated for independent charter schools?

Answer: SEDS was optional in the 2008-2009 year, but if an LEA agreed to participate at the beginning of the school year, then they were obligated to keep their data accurate. Use of SEDS became mandatory for the 2009-2010 year.

- 16. Question:** With DCPS as the LEA for our charter school, how will services be individualized in terms of improvement at our local site if changes are necessary?

Answer: It is the responsibility of the charter LEA to ensure that special education service delivery is both high quality and legally compliant. DCPS is responsible for monitoring charters that elected DCPS as the LEA for special education to ensure that schools are providing services to special education students as required by both federal and local law. When OSSE monitors DCPS as an LEA, this monitoring includes DCPS charters.

On December 4, 2009, OSSE published final rules for Charter Schools in Title 5, subtitle E, Chapter 30, Section 3019 of the *District of Columbia Municipal Regulations (DCMR)*. These regulations clarify the roles and responsibilities of LEA Charters, OSSE, and the District of Columbia Public Schools (DCPS) regarding children enrolled in charter schools who are eligible for special education services. The regulations were created to ensure alignment between DC law and regulations with the intent of IDEA 2004 and related 2006 regulations that specify requirements of LEAs, and can be found at:

<http://www.dcregs.org/Gateway/RuleHome.aspx?RuleNumber=5-E3019>

DCPS charters that have additional questions related to special education responsibilities should contact the DCPS Office of Special Education for additional information.

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17. **Question:** How do LEAs report on SPP indicators? Does each school report or is there a tiered system? If each school reports out, to whom do they report?

Answer: LEAs that have multiple schools must collect required data from all sites before reporting the data to OSSE.

18. **Question:** Please provide clarification and written guidance on 120 or 60 day time period for evaluations to be completed.

Answer: DC Code currently provides a 120 day timeline for initial evaluation and eligibility determination, which is permitted under Federal law (States may set longer timelines than the 60 days [34 CFR 300.301(c)(1)(ii)]).

19. **Question:** What exactly does timely “evaluation or re-evaluation” mean?

Answer: The District’s timelines for initial evaluations are:

- i. 120 days from written referral of the student for an evaluation or assessment through to eligibility determination [D.C. Code § 38-2561.02(a)]
- ii. 30 days from eligibility determination to development of the initial IEP [34 CFR 300.323(c)]

The federal timeline for reevaluation is that the team must have met and determined continued eligibility and service needs within three years of the date of the last evaluation. [34 CFR 300.303] OSSE recommends that LEAs begin the reevaluation process at least 90 days before the continued eligibility determination is due.

20. **Question:** Are the timelines measured in school days or calendar days?

Answer: “Days” means calendar days [34 CFR 300.11].

21. **Question:** I understand that students should not be discriminated against in a charter school’s admissions process based on whether or not a child has an IEP; however, if a student needs full time services and the LEA does not provide a full time placement, both the student and school suffer.

Answer: As outlined in the Charter Regulations issued December 4, 2009 (Title 5, Subtitle E, Chapter 30, Section 3019 of the *District of Columbia Municipal Regulations (DCMR)*) referenced above, all LEAs are required by IDEA to provide a full continuum of services that ensures a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).

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- 22. Question:** Will charter schools continue to be financially responsible for paying for psycho-educational, speech language, clinical, etc., when student was previously enrolled at DCPS?

Answer: Yes. Please see the Charter Regulations referenced above.